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AUG 19 2005

In re Application of : **OFFICE OF PETITIONS**
Couto et al :
Application No. 10/632,645 : DECISION GRANTING PETITION
Filed: August 1, 2003 :
Attorney Docket No.: 51271/35:1 :
Title of Invention: Adeno- :
Associated Vector Compositions For :
Expression of Factor VIII :

This is a decision on the petition filed July 13, 2005, requesting that a Notice Of Omitted Item(s) in a Nonprovisional Application("Notice") mailed October 18, 2004, be withdrawn.

The application was filed on August 1, 2003. However, on May 13, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of August 1, 2003 but pages 13 and 16 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 63 pages of specification were filed including pages 13 and 16 were filed on August 1, 2005. In support, the petition is accompanied by a copy of applicants' return postcard which lists " Continuation Patent Application (63 pgs)".¹ The petition is further accompanied by a copy of pages 13 and 16 of the

¹It is noted that petitioner has provided an itemized postcard receipt, which clearly identifies each component filed on the same day. See MPEP 503.

specification.

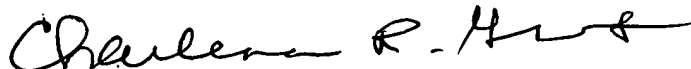
Applicant's postcard receipt is prima facie evidence that at least 63 pages of application papers, including pages 13 and 16 were received on August 1, 2003, but pages 13 and 16 are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that pages 13 and 16 of the specification were received on August 1, 2003, as shown in counsel's file, and later misplaced in the office.

The petition is **Granted**. Deposit account 50-2375 will be credited with the \$400.00 petition fee.

Page 13 and 16 of the specification supplied on July 13, 2005, will be used for processing and examination purposes.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 1, 2003 using the papers received on that date and the copy of pages 13 and 16 of the specification supplied on July 13, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema R. Grant

Petitions Attorney

Office of Petitions